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EXAMINER
COLAN, GIOVANNA B

ART UNIT	PAPER NUMBER
2162	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	10/662,009	KNOX ET AL.
Office Action Summary	Examiner	Art Unit	
	Giovanna Colan	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>09 June 2006</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-11</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-11</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is issued in response to the Amendment filed on 06/09/2006.

2.   No claims were amended. No claims were canceled. No claims were added.

3.   This action is made Final.

4.   Claims 1 – 11 are pending in this application.

5.   Applicant's arguments filed on 06/09/2006 have been fully considered but they

are not persuasive.

Claim Rejections - 35 USC § 112

6.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

7.   Claim 1 – 10 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

     As stated in the office action dated 03/02/2006, claims 4, and 9 recite limitations

including acronyms, such as, "MD5", "CRC", "1- s", and "XOR", which are not defined by

the claim language. Therefore, these limitations render the claim indefinite.

     As stated in the office action dated 03/02/2006, claims 5, and 8 recite the

limitations including the acronym: "XSL," which is not defined by the claim. Therefore,

this limitation renders the claim indefinite

As stated in the office action dated 03/02/2006, claims 1, and 6 recite the limitation "insensitive". The term "insensitive" is a relative term, which renders the claim indefinite. The term "insensitive " is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Examiner is unable to determine the level of insensitiveness the invention discloses because the term "insensitive" refers to a conditional term, which is not absolute.

As stated in the office action dated 03/02/2006, claims 2, and 7 recite the limitation "sensitive". The term "sensitive" is a relative term, which renders the claim indefinite. The term "sensitive " is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Examiner is unable to determine the level of sensitiveness the invention discloses because the term "sensitive" refers to a conditional term, which is not absolute.

Any claim not specifically addressed, above, is being rejected as incorporating the deficiencies of a claim upon which it depends.

Examiner asserts that all claims should be checked for clarification. Appropriate action is required.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

9.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

10.   Claim 1, 3, 6, 8, and 11 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lai et al. (Lai hereinafter) (US Patent No. 6,996,585 B2, filed:

September 24, 2002) view of Bradshaw et al. (Bradshaw hereinafter) (US Patent App.

Pub. No. 2002/0129042 A1, filed: April 24, 2002).

Regarding Claim 1, Lai discloses a method of identifying an update between a

first version of a data file and a second version of a data file, the data file having a

plurality of blocks of data (Col. 1, lines 64 – 66, Lai), the meaning of the data file being

insensitive to the ordering of the blocks of data within the data file (Col. 2, lines 60 – 65,

Lai[1]), the method comprising the steps of:

providing each of said plurality of blocks of data with a first checksum (Col. 1,

lines 64 – 66, Lai);

providing each of said versions of the data file with a second checksum of the

said version of the data file as a whole, said second checksum being insensitive to the

ordering of the blocks of data within the data file (Col. 2, lines 60 – 65, Lai[2]);

However, Lai is silent with respect to comparing checksums of the versions of the

data files. On the other hand, Bradshaw discloses a system and method including:

comparing the second checksum of the first version of the data file with the

second checksum of the second version of the data file (Page 10, [0081], lines 3 – 5,

Bradshaw[3]);

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[1] Wherein the updated file corresponds to the new version of the file, the checksum of this new file corresponds to the first checksum, and the checksum of the file when is updated again corresponds to the second checksum (as disclosed in claimed). Regarding the ordering of the blocks claimed, examiner interprets that since Lai's disclosure stores data records of the file, such as, filename and path; data can be located even though it is not in a specified order in the directory (Col. 3, lines 45 – 47, Lai). This makes Lai's procedure insensitive to the ordering of the files.

[2] Wherein the updated file corresponds to the new version of the file, the checksum of this new file corresponds to the first checksum, and the checksum of the file when is updated again corresponds to the second checksum (as disclosed in claimed). Regarding the ordering of the blocks claimed, examiner interprets that since Lai's disclosure stores data records of the file, such as, filename and path; data can be located even though it is not in a specified order in the directory (Col. 3, lines 45 – 47, Lai). This makes Lai's procedure insensitive to the ordering of the files. Lai provides details regarding the ordering of the blocks of the data within the data file (Fig. 4, Col. 3, lines 23 – 34, Lai). Wherein Fig. 4 clearly shows different blocks of data, such as, "410, 420, ...430", "415, 425, ..., and 435", and further "block 601, 602,..., and 603". It is clear that for example "410, 420, ...430" does not follow the same ordering as "601, 602, ..., and 603". This feature of Lai's disclosure show how the second checksum is not based on the ordering of the blocks of data within the data file; thus being insensitive to the ordering as claimed.

responsive to said comparison indicating that the second checksum of the first version of the data file differs from the second checksum of the second version of the data file (Page 10, [0081], line 5, Bradshaw[4]):

comparing the first checksum of each of said plurality of blocks of data of the first version of the data file with the first checksum of each of said plurality of blocks of data of the second version of the data file (Page 10, [0081], lines 15 – 18, Bradshaw[5]); and

providing an indication of which of said plurality of blocks of data differ between the first version of the data file and the second version of the data file (Page 10, [0084], lines 1 – 6, Bradshaw[6]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Bradshaw's teachings to Lai's system. Skilled artisan would have been motivated to do so, as suggested by Bradshaw (Page 2, [0012] and [0013], lines 1 – 6 and 1 – 5; respectively, Bradshaw), skilled artisan would have been motivated to make such combination; to save in-progress information in thee vent of a process or system failure and to reduce the amount of downtime resulting from such failures; and to enable the preservation and recovery of in progress developments and changes as they are made in a system for development of content in the event of a process or system failure.

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[3] Wherein the checksum disclosed on this citation corresponds to second checksum claimed.
[4] Wherein the information queried corresponds to the responsive of the comparison.
[5] Wherein the new checksum corresponds to first checksum claimed.
[6] Wherein each blob corresponds to a block of data (Page 10, [0082], lines 2 – 4, portion of data may be referred as a "data blob", Bradshaw). Examiner interprets the step of looking for signatures of the blobs as a method for providing an indication of which blocks of data are different. In addition, Bradshaw discloses providing this indication (Page 10, [0088], lines 11 – 13, Bradshaw).

Regarding Claim 3 and 8, the combination of Lai in view of Bradshaw discloses apparatus wherein at least one of the blocks of data consists of a plurality of components and each of said plurality of components further comprises a third checksum (Col. 3, lines 29 – 32, Lai).

Regarding Claim 6, the combination of Lai in view of Bradshaw discloses an apparatus for identifying an update between a first version of a data file and a second version of a data file, the data file having a plurality of blocks of data (Col. 1, lines 64 – 66, Lai), the meaning of the data file being insensitive to the ordering of the blocks of data within the data file (Col. 2, lines 60 – 65, Lai[7]), the apparatus comprising:

first checksum generating means for generating a first checksum for each of said plurality of blocks of data(Col. 1, lines 64 – 66, Lai);

second checksum generating means for generating a second checksum for each of said first and said second versions of the data file as a whole, said second checksum

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[7] Wherein the updated file corresponds to the new version of the file, the checksum of this new file corresponds to the first checksum, and the checksum of the file when is updated again corresponds to the second checksum (as disclosed in claimed). Regarding the ordering of the blocks claimed, examiner interprets that since Lai's disclosure stores data records of the file, such as, filename and path; data can be located even though it is not in a specified order in the directory (Col. 3, lines 45 – 47, Lai). This makes Lai's procedure insensitive to the ordering of the files. Furthermore, Lai provides details regarding the ordering of the blocks of the data within the data file (Fig. 4, Col. 3, lines 23 – 34, Lai). Wherein Fig. 4 clearly shows different blocks of data, such as, "410, 420, ...430", "415, 425, ..., and 435", and further "block 601, 602,..., and 603". It is clear that for example "410, 420, ...430" does not follow the same ordering as "601, 602, ..., and 603". This feature of Lai's disclosure show how the second checksum is not based on the ordering of the blocks of data within the data file; thus being insensitive to the ordering as claimed.

being insensitive to the ordering of the blocks of data within the data file (Col. 2, lines 60

– 65, Lai[8]);

first comparison means for comparing the second checksum of the first version of

the data file with the second checksum of the second version of the data file (Page 10,

[0081], lines 3 – 5, Bradshaw[9]);

second comparison means for comparing the first checksum of each of said

plurality of blocks of data of the first version of the data file with the first checksum of

each of said plurality of blocks of data of the second version of the data file, the second

comparison means being responsive to said first comparison means indicating that the

second checksum of the first version of the data file differs from the second checksum

of the second version of the data file (Page 10, [0081], lines 15 – 18, Bradshaw[10]):

indication means providing an indication of which of said plurality of blocks of

data differ between the first version of the data file and the second version of the data

file (Page 10, [0084], lines 1 – 6, Bradshaw[11]).

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[8] Wherein the updated file corresponds to the new version of the file, the checksum of this new file
corresponds to the first checksum, and the checksum of the file when is updated again corresponds to
the second checksum (as disclosed in claimed). Regarding the ordering of the blocks claimed, examiner
interprets that since Lai's disclosure stores data records of the file, such as, filename and path; data can
be located even though it is not in a specified order in the directory (Col. 3, lines 45 – 47, Lai). This makes
Lai's procedure insensitive to the ordering of the files. Furthermore, Lai provides details regarding the
ordering of the blocks of the data within the data file (Fig. 4, Col. 3, lines 23 – 34, Lai). Wherein Fig. 4
clearly shows different blocks of data, such as, "410, 420, ...430", "415, 425, ..., and 435", and further
"block 601, 602,..., and 603". It is clear that for example "410, 420, ...430" does not follow the same
ordering as "601, 602, ..., and 603". This feature of Lai's disclosure show how the second checksum is
not based on the ordering of the blocks of data within the data file; thus being insensitive to the ordering
as claimed.
[9] Wherein the checksum disclosed on this citation corresponds to second checksum claimed.
[10] Wherein the new checksum corresponds to first checksum claimed.
[11] Wherein each blob corresponds to a block of data (Page 10, [0082], lines 2 – 4, portion of data may be
referred as a "data blob", Bradshaw). Examiner interprets the step of looking for signatures of the blobs
as a method for providing an indication of which blocks of data are different. In addition, Bradshaw
discloses providing this indication (Page 10, [0088], lines 11 – 13, Bradshaw).

Regarding Claim 11, the combination of Lai in view of Bradshaw discloses a

computer program comprising computer program code means adapted to perform the

steps of claim 1 (Fig. 1, item 102, Page 4, [0039], lines 5 – 11, Bradshaw).

11.   Claim 2, 4, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Lai et al. (Lai hereinafter) (US Patent No. 6,996,585 B2, filed: September 24, 2002)

view of Bradshaw et al. (Bradshaw hereinafter) (US Patent App. Pub. No.

2002/0129042 A1, filed: April 24, 2002), and further in view of Squibb (Squibb

hereinafter) (US Patent No. 5,479,654, patented: December 26, 1995).

Regarding Claim 2 and 7, the combination of Lai in view of Bradshaw discloses

all the limitation as disclosed above, including checksums and blocks of data. However,

the combination of Lai in view of Bradshaw is silent with respect to being sensitive to the

ordering of the data. On the other hand, Squibb discloses a system and method

including checksums that are sensitive to the ordering of the data within a block of data

(Col. 6 and 7 – 8, lines 28 – 34, 66 – 67, and 1 – 6; respectively, Squibb). It would have

been obvious to one of ordinary skill in the art at the time the invention was made to

incorporate Squibb's teaching to the combination of Lai in view of Bradshaw' system.

Skilled artisan would have been motivated to do so, as suggested by Squibb (Col. 1,

lines 33 – 39, Squibb), to generate a set of representatives of the changes made in a

computer file which can be used to update an earlier version of the file, or to create a

previous version of an updated file; and to use such a set of representations in a cost

and time effective manner. In addition, this suggestion of combination is strongly made

because both systems teach procedures in the same field of databases, such as,

versioning, updating changes, checksums, XOR, and CRC algorithms.

Regarding Claim 4 and 9, the combination of Lai in view of Bradshaw and further

in view of Squibb discloses an apparatus further comprising the steps of:

selecting said third checksum from one of MD5 or a CRC algorithm (Col. 3, lines

29 – 32, Lai; and Col. 6, lines 29 – 34, Squibb); and

combining said third checksum to provide said first checksum for each of the

blocks of data using one of a 1-s complement sum or an XOR algorithm (Fig. 3, item

S31, Col. 2, lines 1 – 2, Lai; and Col. 6, lines 28 – 29 and 33 – 35, Squibb).

12.   Claim 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lai et al. (Lai hereinafter) (US Patent No. 6,996,585 B2, filed: September 24, 2002) view

of Bradshaw et al. (Bradshaw hereinafter) (US Patent App. Pub. No. 2002/0129042 A1,

filed: April 24, 2002), and further in view of Kuznetsov (Kuznetsov hereinafter) (US

Patent App. Pub. No. 2001/0056504 A1, published: December 27, 2001).

Regarding Claim 5 and 10, the combination of Lai in view of Bradshaw discloses

all the limitations as disclosed above, including XML data files (Page 11, [0092], lines 11

– 13, Bradshaw). However, the combination of Lai in view of Bradshaw is silent with

respect to an XSL Transform. On the other hand, Kuznetsov discloses XSL Transform

(Page 8, [0091], lines 1 – 3, Kuznetsov). It would have been obvious to one of ordinary

skill in the art at the time the invention was made to incorporate the Kuznetsov's

teachings to the combination of Lai in view of Bradshaw. Skilled artisan would have

been motivated to do so, as suggested by Kuznetsov (Page 3, [0019], lines 4 – 5,

Kuznetsov), to provide a flexible transformation mechanism that facilitates generation of

translation code on the fly.

Response to Arguments

1.   Applicant argues that the office action fails to; "establish a prima facie case of

indefiniteness under 35 U.S.C. 112 ", and " establish that one having ordinary skill

would not understand the scope of the claimed invention within the meaning of the

second paragraph 35 U.S.C. 112".

        Examiner respectfully disagrees. The acronyms, "MD5", "CRC", "1- s", and

"XOR", and "XSL," were not defined by the claim. The limitation "insensitive" and

"sensitive" are relative terms, which renders the claims indefinite

Therefore, the *35 USC § 112* is maintained. (See *Claim Rejections - 35 USC § 112*

discussed in this office action above).

2.   Applicant argues that the prior art fails to disclose; "the limitations of claim 1".

        Examiner respectfully disagrees. The applied reference does disclose the

limitation: second checksum being insensitive to the ordering of the blocks of data within

the data file (Col. 2, lines 60 – 65, Lai). As stated in office action dated 03/02/2006,

examiner interprets that since Lai's disclosure stores data records of the file, such as,

filename and path; data can be located even though it is not in a specified order in the

directory (Col. 3, lines 45 – 47, Lai). Furthermore, Lai provides details regarding the

ordering of the blocks of the data within the data file (Fig. 4, Col. 3, lines 23 – 34, Lai).

Wherein Fig. 4 clearly shows different blocks of data, such as, "410, 420, ...430", "415,

425, ..., and 435", and further "block 601, 602,..., and 603". It is clear that for example

"410, 420, ...430" does not follow the same ordering as "601, 602, ..., and 603". This feature of Lai's disclosure show how the second checksum is not based on the ordering of the blocks of data within the data file; thus being insensitive to the ordering as claimed.

3.   Applicant cannot show non-obviousness by attacking references individually where, as here, the rejections are based on a combination of references.

In re Keller, 208 USPQ 871 (CCPA 1981).

5.   Applicant argues that; "the first and second checksums identified by the Examiner in Bradshaw do not correspond to the claimed first and second checksum".

Examiner respectfully disagrees. See response to argument 4) discussed in this office action above. The combination of Lai in view of Bradshaw discloses the limitations of claim 1. Specifically, Lai teaches the first checksum and second checksum (See - 35 U.S.C. 103 rejection of claim 1 as stated in office action dated 03/02/2006, and in this office action above). The applied prior art Bradshaw has been applied to comparing checksums of the versions of the data files. Therefore, The combination of Lai in view of Bradshaw discloses the limitations of claim 1.

6.   Applicant argues that the office action fails to; "establish any motivation to modify Lai in view of Bradshaw".

Examiner respectfully disagrees. According to MPEP § 2142, to establish *prima facie* case of obviousness three basic criteria must be met. **First**, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. The prior art discloses a suggestion for combining the references (Lai and Bradshaw).

As suggested by Bradshaw (Page 2, [0012] and [0013], lines 1 – 6 and 1 – 5; respectively, Bradshaw), skilled artisan would have been motivated to make such combination; to save in-progress information in thee vent of a process or system failure and to reduce the amount of downtime resulting from such failures; and to enable the preservation and recovery of in progress developments and changes as they are made in a system for development of content in the event of a process or system failure. **Second**, there must be a reasonable expectation of success. The prior art suggests a successful outcome of this combination, such as, to reduce the amount of data and process time lost as a result of process or system failure. **Third**, both of the references (Lai and Bradshaw) teach features that are directed to the same industry field of database management systems, such as, checksums calculations, and versioning of data files. This close relation between both of the references highly suggests an expectation of success. Therefore, the combination of Lai in view of Bradshaw discloses all the claim limitations disclosed in the claimed invention (see - citations of claims 1 – 11 above).

As a result, one of ordinary skill in the art would have been motivated to make the combination of Lai in view of Bradshaw.

7.   Applicant argues that the office action fails to; "establish proper motivation to combine Lai in view of Bradshaw and further in view of Squibb".

Examiner respectfully disagrees. According to MPEP § 2142, to establish *prima facie* case of obviousness three basic criteria must be met. **First**, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. The prior art discloses a suggestion for combining the references (Lai, Bradshaw, and Squibb).

As suggested by Squibb (Col. 1, lines 33 – 39, Squibb), skilled artisan would have been motivated to make such combination; to generate a set of representatives of the changes made in a computer file which can be used to update an earlier version of the file, or to create a previous version of an updated file; and to use such a set of representations in a cost and time effective manner. **Second**, there must be a reasonable expectation of success. The prior art suggests a successful outcome of this combination, such as, saving a significant amount of time. **Third**, the applied references (Lai, Bradshaw, and Squibb) teach features that are directed to the same industry field of database management systems, such as, checksums calculations, and versioning of data files, updating changes, XOR, and CRC algorithms. This close relation between the applied references strongly suggests an expectation of success. Therefore, the

combination of Lai in view of Bradshaw and further in view of Squibb discloses all the

claim limitations disclosed in the claimed invention (see - citations of claims 1 – 11

above).

As a result, one of ordinary skill in the art would have been motivated to make the

combination of Lai in view of Bradshaw and further in view of Squibb.

8.   Applicant argues that the office action fails to; "establish proper motivation to

combine Lai, in view of Bradshaw, and further in view of Kuznetsov".

        Examiner respectfully disagrees. According to MPEP § 2142, to establish *prima*

facie case of obviousness three basic criteria must be met. **First**, there must be some

suggestion or motivation, either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art, to modify the reference or to

combine the reference teachings. The prior art discloses a suggestion for combining the

references (Lai, Bradshaw, and Kuznetsov).

        As suggested by Kuznetsov (Page 3, [0019], lines 4 – 5, Kuznetsov), skilled

artisan would have been motivated to make such combination; to provide a flexible

transformation mechanism that facilitates generation of translation code on the fly.

Second, there must be a reasonable expectation of success. The prior art suggests a

successful outcome of this combination, such as, flexibility and high performance in the

same data exchange apparatus. **Third**, the applied references (Lai, Bradshaw, and

Kuznetsov) teach features that are directed to the same industry field of database

management systems, such as, XML data files. This close relation between the applied

references strongly suggests an expectation of success. Therefore, the combination of

Lai in view of Bradshaw and further in view of Kuznetsov discloses all the claim

limitations disclosed in the claimed invention (see - citations of claims 1 – 11 above).

As a result, one of ordinary skill in the art would have been motivated to make the

combination of Lai in view of Bradshaw and further in view of Kuznetsov.

Conclusion

1.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

2.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Prior Art Made Of Record

1.   Lai et al. (US Patent No. 6,996,585 B2, filed: September 24, 2002) discloses a

method for version recording and tracking.

2.   Bradshaw et al. (US Patent App. Pub. No. 2002/0129042 A1, filed: April 24,

2002) discloses a method of and apparatus for recovery of in-progress changes made

in a software application.

3.   Squibb (US Patent No. 5,479,654, patented: December 26, 1995) discloses an

apparatus and method for reconstructing a file from a difference signature and an

original file.

4.   Kuznetsov (US Patent App. Pub. No. 2001/0056504 A1, published: December

27, 2001) discloses a method and apparatus of data exchange using runtime code

generator and translator.

5.   Cane et al. (US Patent No. 6,101,507) discloses a file comparison for data

backup and file synchronization.

6.   Zoltan (US Patent No. 6,668,260 B2) discloses a system and method of

synchronizing replicated data.

7.   Smith, II (US Patent App. Pub. No. 2003/0023718 A1) discloses a system and

method for tracking updates in a network site.

Points Of Contact

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Giovanna Colan whose telephone number is (571) 272-

2752. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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August 18, 2006

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